

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
August 3, 2010

The City Council convened in Regular Session on Tuesday, August 3, 2010, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Michael Klinghammer, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Laurie Feldman, Bob Kneemiller, Larry Muench, Bridget Ohmes, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. City Clerk Marilyn K. McCoy was present and performed the duties of that office.

File #47279

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag. The Pledge of Allegiance was led by Boy Scout Dakota Holmes, Troop 975, who is working on his Communications Merit Badge.

PUBLIC HEARING

The President of the Council Michael Klinghammer announced that the following Public Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

- A. Case No. CU-22-10. (Truman Business Center LLC). An application for a Conditional Use Permit from §156.035(C)(1)(a) for Secondhand Sales within the I-1 Light Industrial District, specifically to operate an outdoor marketplace at 4000 Truman Industrial Boulevard. The subject property is approximately twenty (19.64) acres and is located in Ward 8. ***(Tabled at the Planning & Zoning Commission; Therefore the Public Hearing to be Tabled Pending Action by Planning & Zoning) (RCA Attached)***

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 10244 Relative to Repair or Replacement of the Retaining Wall in Oakmont Subdivision

**Rev. J. Bruce Melton**, 8028 Oakmont Court, appeared on behalf of the Oakmont Homeowners Association, and spoke in favor of Council Bill 10244.

BILLS FOR FINAL PASSAGE

**Bill 10243 (Substitute Bill No. 1)**

An Ordinance Amending Chapter 36 of the Code of Ordinances by Creating a New Section Designated Section 36.16 Related to Department Directors Residency (*Sponsor: Michael Klinghammer*)

A separate vote was taken on Council Bill 10243, with the following results:

**Passed**      “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Weller  
                  “Nay”: Ohmes, Beckering, and Feldman  
                  Absent: None

**Returned** unsigned by the Honorable Mayor on August 5, 2010, and is known as **Ordinance 10-160**



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**Bill 10257**

An Ordinance Extending the Date for Validity of the Approval of the Final Development Plan for Hineman Woods Estates from January 3, 2011 to January 3, 2013 (*Sponsor: Bridget Ohmes*)

**Passed**        “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering  
                  “Nay”: None  
                  Absent: None

**Approved** by the Honorable Mayor on August 5, 2010, and is known as **Ordinance 10-163**

**Bill 10258**

An Ordinance Authorizing a Cooperation Agreement Between the City of St. Charles and the Foundry Art Centre for Cable Programming, Telecast and Related Matters (*Sponsor: Ron Stivison*)

**Passed**        “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering  
                  “Nay”: None  
                  Absent: None

**Approved** by the Honorable Mayor on August 5, 2010, and is known as **Ordinance 10-164**

**Bill 10259**

An Ordinance Authorizing Supplemental Agreement No. 4 to the Engineering Services Contract with HDR/Archer Engineering for the Missouri Wastewater Treatment Plant Improvements in an Amount of \$45,903.00, for a Total Contract Amount Not to Exceed \$1,546,026.00 (*Sponsor: Michael Klinghammer*)

**Passed**        “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering  
                  “Nay”: None  
                  Absent: None

**Approved** by the Honorable Mayor on August 5, 2010, and is known as **Ordinance 10-165**

**Bill 10260**

An Ordinance Approving the Record Plat for Streets of St. Charles, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Laurie Feldman*)

**Passed**        “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering  
                  “Nay”: None  
                  Absent: None

**Approved** by the Honorable Mayor on August 5, 2010, and is known as **Ordinance 10-166**

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**Bill 10261**

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-I, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

**Passed**        “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering  
                  “Nay”: None  
                  Absent: None

**Approved** by the Honorable Mayor on August 5, 2010, and is known as **Ordinance 10-167**

**Bill 10262**

An Ordinance Approving a Settlement Agreement with T-Mobile (*Sponsor: Michael Klinghammer*)

A motion was made by DAVE BECKERING to direct Administration to place the proceeds from the settlement agreement in a reserve account established to defray the cost of the water and sewer increases. Following a brief discussion relative to the motion, Vice President of the Council Dave Beckering withdrew his motion. President of the Council Michael Klinghammer requested that an item be added to the Council Work Session scheduled for August 12, 2010, to discuss placement of the proceeds from the settlement with T-Mobile into the reserve account to defray the additional water and sewer rate increases.

**Passed**        “Aye”: Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Beckering  
                  “Nay”: None  
                  Absent: None

**Approved** by the Honorable Mayor on August 5, 2010, and is known as **Ordinance 10-168**

**Bill 10263 (Held)**

An Ordinance Authorizing a Right-of-Way Encroachment License Agreement with R.T. Weiler’s for the Construction, Operation and Maintenance of a Sidewalk Café Located at 201 North Main Street (*Sponsor: Richard Veit*)

Council Bill 10263 was held by Sponsor Richard Veit.

**Bill 10264 (Held)**

An Ordinance Repealing Ordinance Number 10-85 and Enacting a New Ordinance Authorizing a Right-of-Way Encroachment License Agreement with Quintessential Hospitality Group, LLC, for the Construction, Operation and Maintenance of a Sidewalk Café Located at 149 North Main Street (*Sponsor: Richard Veit*)

Council Bill 10264 was held by Sponsor Richard Veit.

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**BILLS FOR INTRODUCTION**

The following Council Bills were introduced:

**Bill 10265**

An Ordinance Approving the Delivery of not to Exceed \$95,000,000 Aggregate Principal Amount of Certificates of Participation (City of St. Charles, Missouri, Lessee), Series 2010, the Proceeds of Which will be Used to Pay Certain Capital Costs, Including the Costs of Constructing, Renovating and Improving the City's Waterworks and Sewerage Systems; and Authorizing the Execution of Certain Documents and Actions in Connection Therewith (*Sponsor: Michael Klinghammer*)

Director of Finance Karen McDermott responded to an inquiry of Councilmember Bob Kneemiller that the \$95,000,000 includes the cost of the projects, cost of issuance of the bonds, capitalized interest cost, and debt service reserve.

**Bill 10266**

An Ordinance Approving the Record Plat for Linden Lodge, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Jerry Reese*)

**Bill 10267**

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Three-D, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

**Bill 10268**

An Ordinance Authorizing a Contract with Schulte Supply, Inc. for the Purchase of Supplies for the Water Division in an Amount Not to Exceed \$229,703.81 (*Sponsor: Michael Klinghammer*)

**Bill 10269**

An Ordinance Authorizing a Three Year Contract with CBIZ Benefits & Insurance Services, Inc., to Provide Broker of Record and Employee Benefits Consulting Services in an Annual Amount of Sixty Thousand Dollars (\$60,000) for a Total Amount Not to Exceed One Hundred Eighty Thousand Dollars (\$180,000) (*Sponsor: Michael Klinghammer*)

**Bill 10270**

An Ordinance Authorizing a Software License and Services Agreement with SunGard Public Sector, Inc., for a Computer Aided Dispatch System, Records Management System, Mobile Computing and Related Systems for the City of St. Charles Police Department in an Amount Not to Exceed \$783,963. (*Sponsors: Michael Weller, Bob Kneemiller, Larry Muench, Jerry Reese*)

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**Bill 10271**

An Ordinance Amending Chapters 51, 52, 151 and 154 of the Code of Ordinances of the City of St. Charles by Amending Sections 51.16, 52.20, 151.15, 151.30, 151.68, and 154.059 to Provide Developers Achieving Tier 1 Status Under the City's Green Point Rating System Infrastructure Alternatives on Qualified Projects (*Sponsor: Michael Klinghammer*)

All Councilmembers requested that their names be added as Sponsors.

**Bill 10272 (Amended Prior to Introduction)**

An Ordinance Repealing Ordinances 02-10 and 07-29 and Enacting a New Ordinance Providing Compensation for the Mayor and the Municipal Judge; and an Effective Date (*Sponsor: Richard Veit*)

A motion was made by RICHARD VEIT to amend Council Bill 10272 by deleting the recommended salary for the Mayor of \$87,301 and replacing a recommended salary for the Mayor of \$85,000. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed. Discussion was held relative to proposing two separate ordinances for the Mayor and Municipal Judge salaries, rather than one ordinance addressing both elected positions; and the Charter provision that the salary of the mayor shall not be changed after September 1 of the year preceding a mayoral election.

A motion was made by RICHARD VEIT to delete the reference to the salary of the Municipal Judge in Council Bill 10272. LARRY MUENCH seconded the motion. Following a brief discussion relative to the motion, the motion and second were withdrawn by Councilmembers Richard Veit and Larry Muench, respectively. Councilmember Michael Weller requested that his name be added as a sponsor.

Councilmember Richard Veit left the Regular Council Meeting at this time.

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to Cancellation of the September 14, 2010, Council Work Session Due to the Missouri Municipal League Annual Conference

A motion was made by LAURIE FELDMAN to cancel the Council Work Session scheduled for September 14, 2010, due to the Missouri Municipal League Annual Conference being hosted by St. Charles. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

Update on the Status of a Recommendation from the Benefits Task Force

Vice President of the Council Dave Beckering thanked the Human Resources Department for the information provided to the Council; and stated that the Benefits Task Force was formed to determine a method to reduce the employee benefits costs to the City because the current rate and anticipated increases are not sustainable. Director of Administration Michael Spurgeon explained the composition of the Benefits Task Force; and informed the Council of the accomplishments of the Benefits Task Force, and the anticipation that a report from the Benefits

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Task Force will be presented to the Council in September 2010. Director of Human Resources Kate Collier informed the Council that the results of the Medical Benefits Survey submitted to the City Employees are complete, and that the information will be provided to the Council in the Friday packet. Director of Human Resources Kate Collier responded to an inquiry of President of the Council Michael Klinghammer that the anticipated increase in medical costs in 2011 is 12%.

Receipt of Resignation of City Clerk Marilyn K. McCoy

A motion was made by LARRY MUENCH to accept the resignation due to retirement of City Clerk Marilyn K. McCoy. LAURIE FELDMAN seconded the motion. All voted in favor, motion passed.  
File #47442

Request for Authorization to Fill the Upcoming Vacant Position of City Clerk

Discussion was held relative to establishing a Committee for the Recruiting of a City Clerk. President of the Council Michael Klinghammer requested that Councilmembers desiring to serve on the Committee contact him prior to August 17, 2010, at which meeting the Committee will be established. A motion was made by JERRY REESE to authorize filling the upcoming vacant position of City Clerk to be posted internally. RON STIVISON seconded the motion. All voted in favor, motion passed.

CONSENT AGENDA

A motion was made by DAVE BECKERING to approve the Consent Agenda. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Ohmes, Reese, Stivison, Weller, Beckering, Feldman, Klinghammer, and Kneemiller. "Nay": None. Absent: Veit. Motion passed.

- A. Approval of Council Minutes
  - 1. Special Council Meeting of July 13, 2010
  - 2. Regular Council Meeting of July 20, 2010
  - 3. Administrative Hearing of July 20, 2010

File #47443

- B. Approval of Council Committee Reports
  - 1. Approval of Council Committee Minutes
    - a. Fire Station Design Meeting of June 29, 2010
    - b. Technology Committee Meeting of July 12, 2010
    - c. Street Committee Meeting of July 13, 2010
    - d. Council Work Session of July 13, 2020

File #47311

File#47304

File#47293

File#47292

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File#47311

e. Fire Station Design Meeting of July 27, 2010

2. Approval of Council Committee Motions/Actions/Recommendations

a. Fire Station Design Meeting of June 29, 2010

- i. Motion to Recommend as Option 1 for the HVAC System as Follows: One Package Roof Top Unit and Two Package Roof Top with Variable Air Volume (VAV) Boxes for the Three Separate Buildings; In the Event Option 1 is not Feasible, the Recommendation (Option 2) for the HVAC System is Three Package Roof Top with Variable Air Volume (VAV) Boxes

b. Technology Committee Meeting of July 12, 2010

- i. Motion to Approve the Purchase and Installation of Roxio Easy VHS to DVD Converter Software for the City Clerk's Office Pending Approval by the IT Department
- ii. Motion to Approve the Purchase and Installation of Parrallel Desktop for Mac Computers in Various City Departments

c. Street Committee Meeting of July 13, 2010

- i. Motion to Deny the Request for an Exemption from City Code 54.052(A) Requiring Construction of Sidewalks at 198 Tecumseh Avenue
- ii. Motion to Accept Staff's Recommendations to Revise the St. Charles Private Street Study, as follows: 1) Addition of Section 54.017 – Annexation of Existing Streets; and 2) Revision of Section 54.065 – Existing Private Streets; Which Includes Acceptable Deviations from the Existing City Ordinances for Acceptance of Streets as Public
- iii. Motion to Approve the Special Business District Advisory Board's Request to Remove the Following Block Signs: 300 North Main Street/Monroe Street, 200 South Main Street/Madison Street, and 100 North Main Street/Jefferson Street; and that the South Main Preservation Society and the Special Business District Advisory Board Coordinate Efforts to Forward a Report to the Street Committee Relative to Other Signs along Main Street that Either Need Removal and/or Repair for Discussion at a Future Street Committee Meeting
- iv. Motion to Accept Staff's Request to Negotiate a Contract with Oates Associates, Inc. for the Design Services for the Sidewalk Transition and Inventory Report; and that the Request for Authorization be Forwarded to the Full City Council for Approval

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- v. Motion to Grant the Request from Cole & Associates, Inc. for an Exemption from City Code 54.052(A) for a Portion of the Sidewalk on the 1000 Block of The Streets of St. Charles; and to Approve the Sidewalk Installation as Indicated on the Site Map Provided by Cole & Associates, Inc.
  - d. Council Work Session of July 13, 2020
    - i. Motion to Remove the Existing Bushes and Mulch in the Medians Along Zumbahl Road
  - e. Fire Station Design Meeting of July 27, 2010 (*None*)
- C. Receipt of Reports from Boards, Commissions or Committees
- 1. Board of Adjustment Meeting of July 12, 2010
- File #47305
- 2. Board of Public Works Meeting of May 27, 2010
    - a. Motion to Recommend Approval of the Revision to Section 151.69(C)(7) of the Code of Ordinances
    - b. Motion to Recommend Approval of the Easement Encroachment License at 411 Angelique Court
    - c. Motion to Recommend Approval of the Right of Way Encroachment License for Mark IV Cleaners, LLC
    - d. Motion to Deny Waiving the Tap Fees for Lot 4a Talbridge, St. Judes Hospital Dream Home Giveaway
    - e. Motion to Recommend Approval to Negotiate a Contract with Thoevenot, Wade and Moerchen, Inc. for the Missouri River Flood Gates Project
    - f. Motion to Recommend Approval of Change Order No. 1 for Covington Storm Sewer Repair with Pipe Works Utilities in a Decrease Amount not to Exceed \$110.00
    - g. Motion to Deny the Use of the Rock and Soil Program to 16 LeChateaux Due to Erosion Caused by Roof Drain or Similar Pipe from Adjoining Property
    - h. Motion to Recommend Approval of the Contract with Jacobs for the Design and Construction Related Services at the Elm Point Water Treatment Facility in an Amount not to Exceed \$107,900
    - i. Motion to Recommend Reducing the Fee Next Year for the Sanitary Sewer Lateral Insurance Program to \$20.00 and Increase Reimbursement to \$7,500
- File #47337
- 3. St. Charles Park & Recreation Board Meeting of June 17, 2010
- File#47333
- 4. St. Charles Park & Recreation Work Session Meeting of July 1, 2010
- File#47333

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5. Planning and Zoning Commission Meeting of June 28, 2010  
File#47334
- D. Receipt of Reports of the Director of Administration
1. Notice of Emergency Purchase  
File#47319
2. Request for Council Authorization to Fill Vacant Positions in Convention & Visitors Bureau - Tour Guides  
File#47444
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with Seals Enterprises, Inc. for the Demolition of Trailers Located on Diekamp Lane in an Amount not to Exceed \$53,400.00  
File#47445
- F. Preliminary Plats  
None
- G. Miscellaneous
1. Approval of On-Premise Electronic Message Sign at 3797 Elm Street  
File#47446

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

*Election Day.* The Honorable Mayor Patricia M. York thanked the residents of St. Charles for voting today.

*St. Charles Municipal Band.* The Honorable Mayor Patricia M. York announced that the St. Charles Municipal Band performs in Frontier Park every Thursday night.

*Friday Night Flicks.* The Honorable Mayor Patricia M. York announced that the Friday Night Flicks in Frenchtown will show Back to the Future on Friday, August 13, 2010.

*Statehood Day.* The Honorable Mayor Patricia M. York announced that Missouri will be celebrating its 189<sup>th</sup> birthday on August 10, 2010, at the Missouri State Capitol.

*Festival of the Little Hills.* The Honorable Mayor Patricia M. York announced that the Festival of the Little Hills is scheduled for August 20-22, 2010.

*Family Arena.* The Honorable Mayor Patricia M. York announced that the Family Arena will be hosting the following events: Fight Me MMA – August 14, 2010; The Goo Goo Dolls – August 18, 2010; and Jeff Dunham- August 19, 2010.

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*Hot Weather.* The Honorable Mayor Patricia M. York reminded residents to take care of each other during the extremely hot weather.

TABLED BILLS/PUBLIC HEARINGS

**Bill 10162**

An Ordinance Amending Section 40.23 of the Code of Ordinances Requiring Competitive Bidding with Contract Extensions and Renewals (*Sponsor: Bob Kneemiller*)  
(*Tabled on June 1, 2010*)

There was no action taken on Council Bill 10162.

The Regular Council Meeting was adjourned at 8:18 p.m.

August 17, 2010  
Date Approved

Maileyn K. McCoy  
City Clerk

Michael Klinghammer  
Michael Klinghammer, Presiding Officer